

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

REPUBLIC_FRANKLIN INSURANCE
COMPANY
180 Genesee Street
New Hartford, NY 13413

Plaintiff,

v.

KEEP IT CLEAN JANITORIAL SERVICE &
SUPPLY CO., INC.
1915 South Broad Street
Hamilton, NJ 08610

Defendant.

CIVIL ACTION NO.:

COMPLAINT

Plaintiff, Republic-Franklin Insurance Company, as and for its claim for relief against Defendant Keep It Clean Janitorial Service & Supply Co., Inc., states:

1. Plaintiff, Republic-Franklin Insurance Company is a corporation organized and existing under and by virtue of the laws of the State of Ohio, with its principal place of business at 180 Genesee Street, New Hartford, New York 13413.

2. Defendant, Keep It Clean Janitorial Service & Supply Co., Inc. is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, with its principal place of business at 1915 South Broad Street, Hamilton, New Jersey 08610.

3. This Court's jurisdiction is founded upon diversity of citizenship pursuant to 28 U.S. Code Section 1332, in that the plaintiff and defendant are citizens of different states, and the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.

4. At all times material hereto, plaintiff was duly authorized to issue insurance policies and transact insurance business within the State of New Jersey.

5. Prior to April 11, 2020, plaintiff issued its insurance policy number CPP5001282 (the “Subject Policy”), which insured a commercial building located at 16 West Front Street, Trenton, New Jersey (the “Subject Premises”) owned by 16 W. Front, LLC (the “Insured”).

6. Prior to April 11, 2020, defendant had entered into an agreement with the Insured wherein and whereby defendant undertook to perform janitorial services at the Subject Premises.

7. On April 11, 2020, an employee or agent of defendant, acting within the course and scope of his or her employment, left the water running to a hose in the mop sink of a second floor janitorial closet in the Subject Premises and left the building unattended.

8. As a result, water flowed throughout both the second and first floors of the building, causing extensive damage, and causing the Insured to incur a loss of rental income during a period of time required to make repairs.

9. The Insured duly made claim under the Subject Policy for the damages described in paragraph 8, above, and plaintiff duly made payment to the Insured, or for its benefit, in the total amount of \$408,683.93.

10. Under and pursuant to the terms of the Subject policy, and otherwise by operation of law, and to the extent of the payment described in paragraph 9, above, plaintiff is duly subrogated to the Insured’s legal rights to pursue a claim against defendant for the damages described in paragraph 8, above.

COUNT I

11. Plaintiff restates and realleges paragraphs 1 through 10, above.

12. The damages described in paragraph 8, above resulted from the negligent acts and omissions of defendant, and its agents and employees, including but not limited to negligence in:

- (a) Leaving an open faucet unattended and then departing from the Subject Premises;

- (b) Failing to select and properly train competent and qualified employees;
and
- (c) Otherwise failing to exercise reasonable care under the circumstances.

COUNT II

13. Plaintiff restates and realleges paragraphs 1 through 12, above.

14. By undertaking to perform janitorial work on the Subject Premises, defendant impliedly warranted that such work would be performed in a workmanlike fashion.

15. Defendant breached its implied warranty of workmanlike performance and, as a result of such a breach, the damages described in paragraph 8 above occurred.

WHEREFORE, Plaintiff Republic-Franklin Insurance Company demands judgment against Defendant Keep It Clean Janitorial Services & Supply Co., Inc. for such damages as will be proven at trial, together with pre and post-judgment interest as provided by law and costs of this action.

Dated: July 30, 2021

COZEN O'CONNOR, PC
A Pennsylvania Professional Corporation

By: _____
Daniel Q. Harrington (DH0413)
N.J. Attorney ID No.: 031881984
457 Haddonfield Road, Suite 300
P.O. Box 5459
Cherry Hill, NJ 08002-2220
(856) 910-5000
dharrington@cozen.com
Attorneys for Plaintiff Republic-
Franklin Insurance Company